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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/715,437	11/16/2000	Lynn Watson	5087-21	5708
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EXAMINER

STEVENS, THOMAS H

ART UNIT	PAPER NUMBER
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2123

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/715,437

Applicant(s)

WATSON ET AL.

Examiner

Thomas H. Stevens

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 were previously examined.
2. Claims 18-20 were cancelled.
3. Claims 1-17 were examined.

Section I: Non- Office Action (4th Office Action)

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claim 8 contains the trademark/trade name Macintosh. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a specific computer and, accordingly, the identification/description is indefinite.

6. Claim 1 recites the limitation "the first computer". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-17 are rejected under 35 U.S.C. 103 (a) as obvious by Kubinszky "Emulation of Ad-Hoc Networks on IEEE 802-11" in view of Chrysanthakopoulos (US Patent 6,968,307) (hereafter Chrys). Kubinszky teaches the examination of the ad-hoc network emulation capabilities of the CMU Monarch Extension of Berkeley Network Simulator (ns) on the IEEE 802-11 standard but fails to teach a plurality of emulation events. Chrys teaches a method of emulating difference devices from various personal computers (column 5, lines 29-30 and column 6, lines 21-25). At the time of invention, it would have been obvious to one of ordinary skill in the art to modify Kubinszky by way of Chrys since it would be advantageous to allow devices to transmit such files over a serial bus without conversion (column 2, lines 55-59).

Claim 1. An operating environment emulation system (Kubinszky: title and Chrys: column 1, lines 40-42), comprising: a memory to: store multiple emulators (column 5, lines 29-30), wherein each emulator contains instructions to emulate a particular operating environment (Kubinszky: pg. 20, lines 1-3); and store a data file containing elements necessary to execute an emulated operating system (Chrys: column 2, lines 55-59; and a connector, operable to allow the memory to be disconnected from the first computer and to connect the memory to a host computer (Kubinszky: pg.11, section 3.2.1., 1st paragraph, lines 6-8).

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Claim 2. The system of claim 1, wherein the connector is a Universal Serial Bus cable accordance with 802.11b (encompass entire IEEE standard; Kubinszky: title).

Claim 3. The system of claim 1, wherein the connector is an IEEE-1394 cable (Chrys: column 4, lines 30-35 and Kubinszky: pgs 26-27, Section 5.2.2. 1st paragraph).

Claim 4. The system of claim 1, wherein the connector uses an infrared link (Kubinszky: pg. 4, section 2.1.1.)

Claim 5. The system of claim 1, wherein the connector is an Ethernet cable (Chrys: column 4, lines 61-64 and Kubinszky: pgs 26-27, Section 5.2.2. 1st paragraph).

Claim 6. The system of claim 1, wherein the connector uses a wireless link in accordance to 802.11b (encompass entire IEEE standard; Kubinszky: pg.34, table 5.3 "Link Type").

Claim 7. The system of claim 1, wherein the host computer is personal computer compatible (Chrys: column 2, lines 64-66).

Claims 8. The system of claim 1, wherein the host computer is Macintosh compatible (encompasses all personal computers to which Macintosh is no different: Chrys: column 2, lines 64-66).

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Claim 9. The system of claim 1, wherein the multiple emulators (Chrys: column 5, lines 29-30) further comprise emulators for different operating systems (inherent to the multiple pc since not all pc run on the same operating system).

Claim 10. The system of claim 1, wherein the multiple emulators (Chrys: column 5, lines 29-30) further comprise emulators for different processors (inherent to the multiple pc since not all pc run on the same processors).

Claim 11. The method of establishing an emulated operating environment on a host computer (Kubinszky: title and Chrys: column 1, lines 40-42), the method comprising: transferring a data file (Chrys: column 2, lines 55-60) containing necessary elements to emulate an operating system from a first computer having an operating system (Chrys: column 2, lines 63-65) to be emulated to a memory device (Chrys: column 3, lines 41-50) upon which reside multiple emulators; disconnecting the memory device from the first computer (inherent: user simply unplugs the first computer; Chrys: columns 5-6, lines 65-67 and 1-8, respectively); connecting the memory device to a host computer having an original operating system (users' ability of connection to a plurality of devices; Chrys: column 5, lines 25-35 and lines 56-60); using the original operating system to load an emulator from the memory device to the host computer based upon the operating system to be emulated (users' ability of connection to a plurality of devices; Chrys: column 5, lines 25-35 and lines 56-60); and executing the emulator to access the

data file to establish an emulated operating environment on the host computer to operate on the data file (Chrys: column 6, lines 56-60).

Claim 12. The method of claim 11, wherein method further comprises receiving a user input designing the emulator to be loaded from the memory device (Chrys: column 6, lines 30-41).

Claim 13. The method of claim 11, wherein the method further comprises selecting an emulator automatically, (Chrys: column 3, lines 15-17) wherein the selection is made by the host computer.

Claim 14. The method of claim 11, wherein connecting the emulation system to the host computer further comprises connecting the emulation system to an accessory device (Chrys: column 5, lines 12-21).

Claim 15. The method of insulating an operating environment emulator from a host computer, the method comprising: connecting an emulation device to a host computer (Kubinszky: title and Chrys: column 1, lines 40-42); executing an emulated operating system located on the emulation device on a processor of host computer having an original operating system (Chrys: column 3, lines 9-18); disabling host task management on the original operating system (Chrys: column 7, lines 40-46); routing input/output signals only through the emulated operating system (access to various

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network mediums; Chrys: 4, columns 31-37); and activating an environmental shutdown (inherent: cut the power) by disabling the emulated operating system if necessary to prevent interactions between the original operating system and the emulated operating system.

Claim 16. The method of claim 15, wherein disabling further comprises completely isolating the host computer (Chrys: column 7, line 45-46).

Claim 17. The method of claim 15, wherein disabling further comprises allowing a user to define allowed interactions between the host computer and the emulation device (Chrys: column 7, line 45-46).

Section II: Response to Applicants' Arguments (3rd Office Action)

1121st/103(a)

10. Applicant's arguments, see pages 5-7, filed 7/28/05, with respect to the rejections of claims 1-20 under 35 U.S.C. 112 1st and 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made by way of Kubinszky in view of Chrysanthakopoulos.


Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Tom Stevens whose telephone number is 571-272-3715, Monday-Friday (8:00 am- 4:30 pm EST).

If attempts to reach the examiner by telephone are unsuccessful, please contact examiner's supervisor Mr. Leo Picard ((571) 272-3749). The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Answers to questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) (toll-free (866-217-9197)).

January 1, 2006


Paul L. Rodriguez 1/9/06
Primary Examiner
Art Unit 2125

TS